

**Notice of Allowability**

Application No.

09/702,142

Examiner

Chirag G. Shah

Applicant(s)

PADOVANI ET AL.

Art Unit

2616

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/14/06.
2. ☒ The allowed claim(s) is/are 1, 3-17, 19-25, 27-30, 32-37, 39-42, and 44 renumbered 1-38 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

  
**CHIRAG G. SHAH**  
**PRIMARY PATENT EXAMINER**

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with George Oehling on 5/11/07.

The application has been amended as follows:

24. (Currently Amended) An access terminal comprising:

means for receiving pilot bursts transmitted from a plurality of access points at predetermined times, the pilot bursts from the plurality of access points are aligned at each of the predetermined times, and the pilot bursts from the plurality of access points being received at approximately a same instance in time;

means for determining a link having a best signal quality based in part on the pilot bursts received; and

means for determining a highest data rate of transmission supported by the link.

33. (Currently Amended) An access terminal, comprising:

a modem for receiving pilot bursts from a plurality of access points, wherein the pilot bursts are synchronized and sent at predetermined times, the pilot bursts from the plurality of

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access points are aligned at each of the predetermined times, and the pilot bursts from the plurality of access points are received at approximately a same instance in time; and

a processor for determining a link having a best signal quality based in part on the pilot bursts received and for determining a highest data rate of transmission supported by the link.

36. (Currently Amended) An access terminal, comprising:

a processor; and

a memory storage unit, encoded with computer executable instruction, storing:

a first set of computer-readable instructions for receiving pilot bursts transmitted from a plurality of access points at predetermined times, the pilot bursts from the plurality of access points are aligned at each of the predetermined times, and the pilot bursts from the plurality of access points being received at approximately a same instance in time; and

a second set of computer-readable instructions for determining a link having a best signal quality based in part on the pilot bursts received; and

a third set of computer-readable instructions for determining a highest data rate of transmission supported by the link.

***Reasons For Allowance***

2. The following is an examiner's statement of reasons for allowance: Prior Art fails to explicitly disclose of transmitting or receiving the plurality of pilot bursts from each transmission source at predetermined times, wherein pilot bursts from the plurality of transmission sources are aligned at each of the predetermined time in combination with other limitations set forth in the respective claims.

***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G. Shah whose telephone number is 571-272-3144. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cgs

May 11, 2007



Chirag G. Shah  
Primary Examiner, 2616

CHIRAG G. SHAH  
PRIMARY PATENT EXAMINER